

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
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| Stephane Follonier et al. |) | Group Art Unit: 1641 |
| |) | |
| Application No.: 10/670,912 |) | Examiner: David J. Venci |
| |) | |
| Filed: September 24, 2003 |) | Confirmation No.: 6522 |
| |) | |
| For: DEVICE, SYSTEM AND METHOD |) | |
| OF DETECTING TARGETS IN A |) | |
| FLUID SAMPLE |) | |

VIA EFS-WEB

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Stephane Andre Follonier, residing at 306 Donegal Way, Martinez CA 94553 and Pierre Francois Indermuhle, residing at 1817 A Oregon Street, Berkeley, CA 94703, are the sole owners and inventors of the entire right, title and interest in and to the above-identified application, U.S. Patent Application No. 10/670,912, filed September 24, 2003 for DEVICE, SYSTEM AND METHOD OF DETECTING TARGETS IN A FLUID SAMPLE. Further, Stephane Andre Follonier, residing at 306 Donegal Way, Martinez CA 94553 and Pierre Francois Indermuhle, residing at 1817 A Oregon Street, Berkeley, CA 94703, are the sole owners and inventors of the entire right, title and interest in and to U.S. Patent Application No. 10/572,931, filed February 5, 2007 for DEVICE, SYSTEM AND METHOD OF DETECTING TARGETS IN A FLUID SAMPLE. To obviate a double

patenting rejection, owners and inventors Stephane Andre Follonier and Pierre Francois Indermuhle hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of co-pending U.S. Patent Application No. 10/572,931. Stephane Andre Follonier and Pierre Francois Indermuhle hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the co-pending patent application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Stephane Andre Follonier and Pierre Francois Indermuhle do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the co-pending patent application, as presently shortened by any terminal disclaimer, in the event that the co-pending patent application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), please charge the required fee of \$70.00 to Deposit Account No. 06-0916.


If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Date: November 12, 2008

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